

United States District Court
District of Massachusetts

FILED
JUL 14 2005
CLERK OF COURT
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER TINKHAM, ET AL.
PLAINTIFFS

V.

CIVIL ACTION
No. 05-10470 MLW

DOREEN R. KELLY, ET AL.
DEFENDANTS

PLAINTIFFS' MOTION TO BRING DEFENDANT VERRET UNDER THE
PERSONAL JURISDICTION OF THE COURT

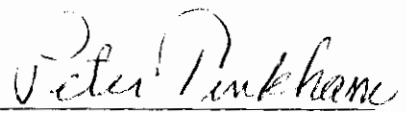
The Plaintiffs, Peter Tinkham and Juliet Alexander, Pro se, hereby, pursuant to Fed.R.Civ.P. 4.1, move to have Margaret Verret, a Defendant in the above civil action, brought under the personal jurisdiction of the Court for purposes of that action and that her right to object to service under Fed.R.Civ.P. 12 (b) (4 or 5) be waived.

As grounds for their motion, Plaintiffs place before the Court the following information relative to the service of summons upon Margaret Verret and state:

1. On June 1, 2005, Plaintiffs mailed certified priority mail, return receipt requested, a Notice of Waiver of Service of Summons, two copies of the waiver and a self-addressed stamped envelope along with a copy of the complaint to Defendant Verret.
2. On or about June 9, 2005, Plaintiffs received the green return receipt signed by Margaret Verret.
3. On June 29, 2005, Plaintiffs received a letter from John Davis, Esq., stating that he represented Defendant Verret in the above action and that she was "in the process" of signing her waiver of service.

4. July 3, 2005, Plaintiffs wrote to Attorney Davis and indicated that his earnest representation that Defendant Verret's signed waiver would be returned would be honored and they would not effect service upon her.
5. On July 6, 2005, Attorney Davis represented in a letter that Defendant Verret's signed waiver was "en route" and would be forwarded under separate cover.
6. On July 7, 2005, Plaintiffs received two signed waivers from Defendants Jackson and Kelly. There was no waiver from Defendant Verret or any mention of Defendant Verret in Attorney Davis' letter.
7. By July 12, 2005, Plaintiffs had not received Defendant Verret's signed waiver.

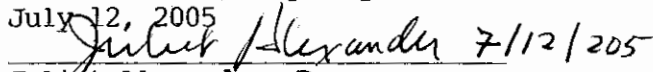
For the foregoing reasons, Plaintiffs request that Margaret Verret be deemed served for purposes of the above-captioned civil action and that her right to object to that service be waived. Attached are copies of Plaintiffs' and Attorney Davis' correspondence and a copy of Defendant Verret's Notice of Waiver with receipt. Plaintiff Alexander's affidavit is also attached in support of this motion.


Peter Tinkham, Pro se


Juliet Alexander, Pro se

CERTIFICATE OF SERVICE

I hereby certify that a true copy
of the above document was served
to John Davis, Esq., by mail on
July 12, 2005


Juliet Alexander, Pro se.

P.O. BOX 1075
Easton, MA 02334
207-364-3964
207-585-2137